

ORDINANCE NO. _____, SERIES 2007

AN ORDINANCE RE-ENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 132.02, 132.03, 132.06, 132.07, AND 132.98 WITH AMENDMENTS TO SECTIONS 132.03(B), 132.06, AND 132.07 TO PROVIDE NEW PENALTIES FOR VIOLATION THEREOF, AND REPEALING SECTIONS 132.01, 132.04, AND 132.05.

Sponsored By: Councilmen Kramer, Downard, Blackwell

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: Pursuant to the provisions of KRS 67C.115(2), LMCO Sections 132.02, 132.03, 132.06, 132.07, and 132.98 are hereby reenacted with amendments to Sections 132.03(B), 132.06, and 132.07 to provide new penalties for violation thereof, and Sections 132.01, 132.04, and 132.05 are hereby repealed as follows:

~~§ 132.01 DRUNKENNESS.~~

~~No person shall be found in a state of drunkenness in Jefferson County.~~

§ 132.02 PROTECTIVE CUSTODY OF INCAPACITATED OR UNCONSCIOUS PERSON.

(A) Any person who is incapacitated, unconscious, or otherwise unable to care properly for his own well-being, whether from intoxication or other reasons, and, who, under the circumstances, is determined to be in danger of severe injury or loss of life, may be taken into protective custody by a police officer for purposes of transportation to a place of shelter, a treatment facility, or the person's place of residence. However, if a treatment facility or place of shelter is unavailable or the police officer is unable to determine the incapacitated person's place of residence, the person may be held in protective custody at a police station until he is no longer incapacitated or for a period of not longer than 12 hours, whichever is shorter.

(B) No person shall be taken into protective custody against his will or without his consent.

(C) For purposes of this section, an unconscious, intoxicated, or otherwise unresponsive person is presumed to have consented to being taken into protective custody.

(D) A person taken into protective custody is deemed not to be arrested or imprisoned unless specifically charged with a criminal offense by a duly sworn police officer.

(E) Nothing in this section shall be construed to limit a police officer's discretion to charge a person with a criminal offense.

(F) Subject to the limitations provided in subsection (B) above, a police officer acting pursuant to this section may take such action as is reasonably necessary to effectuate protective custody.

(G) A police officer may search any person taken into protective custody in order to assure the safety of the officer or any other persons present.

§ 132.03 DISORDERLY CONDUCT.

(A) It shall be unlawful for any person within Jefferson County to violate any of the following subsections of this section:

(1) No person when in a public place and with intent to cause public inconvenience, annoyance or alarm, or wantonly creating a risk thereof, shall:

(a) Engage in fighting or in violent, tumultuous or threatening behavior; or

(b) Make unreasonable noise; or

(c) Refuse to obey an official order to disperse, issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or

(d) Create a hazardous or physically offensive condition by any act that serves no legitimate purpose.

(2) No person, with intent to harass, annoy or alarm another person, shall:

(a) Strike, shove, kick or otherwise subject another to physical contact or attempt or threaten to do the same; or

(b) Follow a person in or about a public place or places; or

(c) Engage in a course of conduct or repeatedly commit acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

(3) No person shall throw any stone, snowball, or any missile on or at any vehicle, building, tree, or other public or private property, or at any person in any public or private way or place or enclosed or unenclosed ground; or

(4) No person shall throw any stone, snowball, or any other missile from any vehicle, either moving, stopped, or parked, on or at any building, tree, sign, or other public private property, or on or at any person in any public or private way or place or enclosed or unenclosed ground; or

(5) No person shall loiter or remain in a public place for the purpose of unlawful gambling, except that the provisions of this subsection shall not apply if the person is participating in charitable gaming defined by KRS 238.505; or

(6) No person shall loiter or remain in a public place for the purpose of unlawfully using a controlled substance; or

(7) No person shall loiter or remain in a school, college or university building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or student or any other specific legitimate reason for being there and not having written permission from anyone authorized to grant same; or

(8) No person shall loiter or remain in any transportation facility, unless specifically authorized to do so, for the purpose of soliciting or engaging in any business, trade or commercial transactions involving the sale of merchandise or services; or

(9) No person shall appear in any public place with intent to obtain money from other persons by any illegal or fraudulent scheme, trick, artifice, or device; or

(10) No person shall make an appointment, solicit, offer, or agree to commit any act of prostitution, or aid, abet, allow, permit, or participate in the Commission of such act or acts; or

(11) No person shall appear in any house or other establishment of prostitution, or any place where unlawful gaming is being engaged in or the illegal sale or possession of alcoholic beverages or unlawfully used controlled substances is practiced, allowed, or tolerated; or

(12) No person shall disrupt any meeting or procession or gathering, when, with intent to prevent or disrupt a lawful meeting, procession or gathering, he does any act tending to obstruct or interfere with it physically or makes any utterance, gesture or display designed to outrage the sensibilities of the group; or

(13) No person shall unlawfully congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear

the public way when told to do so by a member of the ~~Louisville/Jefferson County~~
Louisville Metro Police Department or other lawful authority; or

(14) No person shall refuse or fail to comply with any lawful order, signal, or direction of a police officer in the control of vehicular traffic; or

(15) No person shall physically hamper, obstruct, impede, or interfere with any member of the Louisville Metro Police Department while in the discharge or apparent discharge of his lawful duties; or

(16) No person shall obstruct any fireman or any member of the Fire Department while in the discharge or apparent discharge of his duty or in any way hamper, impede, or interfere with him in the discharge of his duty; or

(17) No person shall urinate or defecate on any sidewalk, street, or floor in public buildings or on any other public place within Jefferson County; or

(18) No person shall occupy, lodge, or sleep in any vacant or unoccupied barn, garage, shed, shop, or other building or structure, or in any automobile, truck, railroad car, or other vehicle, without owning it or without permission of the owner or person entitled to possession of it, or sleep in any vacant lot, or in any alley, street, or on any sidewalk, or under any bridge, or in any park or other public property during the hours of darkness; or

(19) No person shall wander abroad and beg, nor go about from door to door of private homes or commercial and business establishments, or places himself in or on any public way or public place to beg or receive alms for himself, in interference of pedestrian or vehicular traffic, or in association with any act posing a threat to public safety; or

(20) No person over 14 years of age shall assume a mask, false face, cover or partial cover, or other apparel with intent to conceal his identity or counterfeit another with the intent to prevent disclosure or recognition in any public street or other public place.

(B) Any person who violates any subsection of this section shall be charged with the offense of disorderly conduct, and on conviction thereof, shall be found guilty of disorderly conduct. The penalty for violation of this section shall be up to a \$250 fine and/or 90 days in jail.

§ 132.04 ACTIVITY ON SUNDAY.

~~(A) It is the policy of the Louisville/Jefferson County Metro Government to allow freedom of choice as to activities on Sunday to the maximum extent permissible under state statute realizing that the conditions enumerated in the statutes on such activities so allowed will protect the rights of employees of business operating on Sunday and will insure a reasonable level and desirable atmosphere of peace and tranquillity on Sundays.~~

~~(B) No person who works on Sunday at his own or at any other occupation or employs any other person in labor or other business, whether for profit or amusement, whether or not his work or the employment of others is in the course of ordinary household duties, work of necessity or charity, or work required in the maintenance or~~

~~operation of a public service or public utility plant system, shall be subject to fine as a result of or under the provision of KRS 436.160(1). Neither shall any work, employment, or activity on Sunday be prohibited or enjoined, either by general penal process or by private injunctive relief, as a result of or under the provisions of KRS 436.160.~~

~~(C) — Nothing contained in this subchapter shall be construed to permit or allow any activities otherwise prohibited by the provisions of any other statutes or ordinances.~~

~~§ 132.05 UNAUTHORIZED USE OF SIREN SYSTEMS.~~

~~It is unlawful for any person to use a siren system which consists of two tones sounded simultaneously, except by the office of Civil Defense or in locations specifically authorized in writing by the Director of Disaster and Emergency Services.~~

§ 132.06 IMPERSONATING AN EMPLOYEE OF THE POLICE DIVISION LOUISVILLE METRO POLICE DEPARTMENT.

(A) No person shall falsely represent himself to be an officer, agent, or employee of the ~~Louisville/Jefferson County~~ Louisville Metro Police Department and in such assumed character, arrest or detain or search in any manner the person or property of another, nor shall any person other than a police officer of the ~~Louisville/Jefferson County~~ Louisville Metro Police Department wear or carry the uniform, apparel, badge, identification card, or any other insignia of office similar to or a colorable imitation of that adopted and worn or carried by the police officers of the ~~Louisville/Jefferson County~~ Louisville Metro Police Department.

(B) No person or firm shall represent to any other person for the purpose of obtaining money for advertising in any publication that he is a representative or agent of the ~~Louisville/Jefferson County~~ Louisville Metro Police Department. All persons soliciting advertisements in any publication in which the names or reputation of the ~~Louisville/Jefferson County~~ Louisville Metro Police Department is expressly or impliedly used shall register with the Secretary of the Cabinet for Public Protection.

(C) The penalty for violation of this section shall be a \$500 fine and/or 365 days in jail.

§ 132.07 FALSE REPORTS.

It shall be unlawful for any person to give or cause to be given or circulated a false report to any public authority relating to the commission or alleged commission of any felony or misdemeanor for the purpose of causing, or which report is calculated to cause, the public authority to respond thereto or to do or perform some act or render some service as a result thereof. The penalty for violation of this section shall be a \$500 fine and/or 365 days in jail.

§ 132.98 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION II: This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____
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